

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICHARD REBISZ,

Plaintiff,

v.

**PUBLIC SERVICE ELECTRIC & GAS
COMPANY**

Defendants

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Civil Action No. 04-2400(KSH)

REPORT AND RECOMMENDATION

This matter having come before the Court as a result of the Order dated June 14, 2005, directing the plaintiff to personally appear before the Undersigned on June 27, 2005 at 10:00 a.m. and show cause why sanctions, including dismissal, should not be imposed for his failure to provide responses to discovery; and the Court having considered the certification submitted in support of the motion to withdraw and the representations of counsel; and the plaintiff having failed to appear on June 27, 2005; and for the reasons set forth in the Report and Recommendation delivered on the record on June 27, 2005; and for good cause shown,

IT IS on this 27th day of June, 2005

RECOMMENDED that the United States District Judge dismiss the Complaint with prejudice¹;

ORDERED that plaintiff's counsel shall provide a copy of this Order to the plaintiff by regular mail and certified mail/return receipt requested; and

IT IS FURTHER ORDERED that all terms of the Order dated May 2, 2005 shall remain in full force and effect.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

¹The parties have ten (10) days from receipt of this Recommendation to file and serve objections.